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**JAN 27 2005**

**OFFICE OF PETITIONS**

In re Application of	:	
Robert A. Dunstan	:	
Application No. 10/643,475	:	DECISION GRANTING
Filed: August 19, 2003	:	PETITION
Attorney Docket No. P17354	:	

This is a decision on the petition filed October 7, 2004, requesting that the above-identified application be accorded a filing date of August 19, 2003, rather than the presently accorded date of August 18, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).


The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on August 19, 2003. In support, the petition is accompanied by a copy of Express Mail receipt No. EV334067866US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of August 19, 2003.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. In view of the copy of the Express Mail receipt, it is confirmed that the package bearing Express Mail label No. EV334067866US was accepted at the United States Postal Service on August 19, 2003, and the filing date of the application is accorded such.

This application file is being forwarded to the Office of Initial Patent Examination Division for further processing with a filing date of August 19, 2003. Thereafter, the application file will be forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3223.

  
Marianne E. Jenkins  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy